

By: Canales

H.B. No. 1096

A BILL TO BE ENTITLED

AN ACT

relating to requiring public institutions of higher education to establish a policy and prevention and outreach program on campus sexual assault, family violence, and stalking.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 51.9363, Education Code, is amended to read as follows:

Sec. 51.9363. CAMPUS SEXUAL ASSAULT, FAMILY VIOLENCE, AND STALKING POLICY AND PREVENTION. (a) In this section:

(1) "Coordinating board" means the Texas Higher Education Coordinating Board.

(2) "Family violence" has the meaning assigned by Section 71.004, Family Code.

(3) "Institution [~~,"institution]~~ of higher education" has the meaning assigned by Section 61.003.

(b) Each institution of higher education shall adopt a policy on campus sexual assault, family violence, and stalking. The policy must:

(1) include:

(A) definitions of prohibited behavior;

(B) sanctions for violations; and

(C) the protocol for reporting and responding to reports of campus sexual assault, family violence, and stalking;

and

1           (2) be approved by the institution's governing board  
2 before final adoption by the institution.

3           (c) Each institution of higher education shall make the  
4 institution's campus sexual assault, family violence, and stalking  
5 policy available to students, faculty, and staff members by:

6           (1) including the policy in the institution's student  
7 handbook and personnel handbook; and

8           (2) creating and maintaining a web page on the  
9 institution's Internet website dedicated solely to the policy.

10          (d) Each institution of higher education shall require each  
11 entering freshman or undergraduate transfer student to attend an  
12 orientation on the institution's campus sexual assault, family  
13 violence, and stalking policy before or during the first semester  
14 or term in which the student is enrolled at the institution. The  
15 institution shall establish the format and content of the  
16 orientation. The orientation must include the information  
17 described by Subsection (e)(2).

18          (e) Each institution of higher education shall develop and  
19 implement a comprehensive prevention and outreach program on campus  
20 sexual assault, family violence, and stalking. The program must:

21           (1) address a range of strategies to prevent campus  
22 sexual assault, family violence, and stalking, including a victim  
23 empowerment program, a public awareness campaign, primary  
24 prevention, bystander intervention, and risk reduction; and

25           (2) provide to all students enrolled at the  
26 institution and all student organizations recognized by or  
27 registered with the institution information regarding the

1 institution's campus sexual assault, family violence, and stalking  
2 policy, including what constitutes consent to sexual activity and  
3 the rights and responsibilities of students under the policy.

4 (f) Each biennium, each institution of higher education  
5 shall review the institution's campus sexual assault, family  
6 violence, and stalking policy and, with approval of the  
7 institution's governing board, revise the policy as necessary.

8 (g) An institution of higher education may not receive any  
9 state funding for a fiscal year following a year in which the  
10 coordinating board determines that the institution has not  
11 substantially complied with the requirements under this section.

12 (h) The coordinating board may adopt rules as necessary to  
13 enforce this section.

14 SECTION 2. Section [51.9363](#), Education Code, as amended by  
15 this Act, applies beginning with the 2018 spring semester.

16 SECTION 3. This Act takes effect immediately if it receives  
17 a vote of two-thirds of all the members elected to each house, as  
18 provided by Section [39](#), Article III, Texas Constitution. If this  
19 Act does not receive the vote necessary for immediate effect, this  
20 Act takes effect September 1, 2017.